

REMARKS

Claims 1-22 are currently pending. In the Office Action mailed March 25, 2008, claims 5 and 16 stand objected to under 35 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. Claims 6 and 17 stand objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. On June 21, 2006, Applicants originally filed a Preliminary Amendment correcting these multiple claim issues (Copy Attached at Tab A). However, it appears from the present Office Action mailed March 25, 2008 that Applicants' previously filed Preliminary Amendment correcting these multiple claim issues was not considered. Therefore, Applicants have revised these claims yet again and respectively request that these objections be withdrawn.

In addition, claims 1-22 stand objected to because the figure numbers are provided in the claims. Applicants have revised these claims and respectively request that these objections be withdrawn.

Claims 1-2, 4, 6-8, 10-13, 15, 17-19, and 21-22 stand rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Schon (US Publication No. 2005/0071234) ("Schon 234"). Claims 5, 9, 16, and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schon (US Publication No.: 2005/0071234) as applied to claims 2, 8, 13, and 19 above, and further in view of Attia (US Publication No. 2002/0016750). Claims 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schon (US Publication No.: 2005/0071234) as applied to claims 2 and 13 above, and further in view of Blossom (US Publication No. 2003/0019942).

Applicants respectfully traverse. After a careful review of the Office Action, the cited

references, and Applicants' proposed claim clarifications, Applicants respectively request reconsideration in view of the following remarks.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-2, 4, 6-8, 10-13, 15, 17-19, and 21-22 stand rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Schon (US Publication No. 2005/0071234). Applicants respectively traverse.

A. Applicants Presently Claimed Invention

Applicants' presently pending patent application, entitled "A Method And A System For Triggering Network Access," relates to triggering devices by RF signals from RF chips. (emphasis added). As Applicants explain, chips are becoming smaller and cheaper to produce. This is also the case for chips incorporating radio frequency (RF) modules, which are able to transmit identification signals to receivers that are close enough to receive the RF signals. These types of chips can e.g. be used in supermarkets, where products equipped with such RF chip can be scanned automatically when passing a check out point. This quickens and eases the payment procedures at the check out point, because the individual products can stay in the basket and are scanned very quickly. The only thing left to do is pay for the products.

In an article from BT Group (see <http://www.btplc.com/Innovationandtechnology/Insights/IanPearson/superstores.htm>) the following scenario is given: "Very cheap chips will be built into many things around us in the future. Simple chips in product packaging have already been produced to enable automatic billing, removing the need for queues at checkouts, or eventually even for the checkout at all. Customers may just load up the trolley and leave, the chips signal to the store computer along with the customer's smart card. Customers would have their accounts automatically debited. Other chips would record

information on use-by dates and product type so that home electronics can determine what is available for lunch and what needs replaced on the next shopping trip.”

Existing usages of RF chips that send RF signals make the assumption that the RF chip or the product enclosing the RF chip is in the power or control of the same entity as the device receiving the RF signals. There are scenarios thinkable where this is not the case. That is, where the product enclosing the RF chip is not in the power or control of the same entity as the device receiving the RF signals. In these scenarios the owner of the RF chip may want to receive financial compensation for services offered, i.e. sending RF signals via RF chips. There are no solutions to technically enable this.

With existing methods and systems it is not possible to trigger a device by a RF signal and technically enable financial compensation to an RF chip owner for the triggering. It is, therefore, one aim of Applicants’ presently claimed invention to provide a method and a system to trigger a device by an RF signal and technically enable financial compensation to the RF chip owner for the triggering. It is one aim of the presently claimed invention to provide a method and system to trigger a device by a RF signal and technically enable financial compensation to the RF chip owner for the triggering.

Applicants presently pending claims are directed to such a method and system for triggering network access. For example, Applicants’ presently pending claim 1 expressly recites a system for triggering a first device and logging the triggering. The system includes a RF chip of a first party, the first device comprising communication means for receiving a RF signal from the RF chip. The first device further comprising communication means for communicating with a network or server of a second party. The first device includes a means to start communicating with the network or server only after receiving the RF signal. The first device includes means

for sending an enabling ID to the RF chip. The RF chip includes means for receiving the ID, and the RF chip comprises a memory for storing the ID.

B. *The Cited Reference Does Not Anticipate The Pending Claims*

Schon 234 does not anticipate Applicants' presently claimed invention. Unlike Applicants' presently claimed invention, Schon 234 does not teach or suggest a method and system to trigger a device by a RF signal and technically enable financial compensation to the RF chip owner for the triggering.

Rather, Schon 234 is directed to an invention that relates to filing an order in a warehouse or other inventory sensitive area: Schon 234 is not directed to a method and system for triggering network access. In particular, Schon 234 relates to a radio frequency identification system used in a warehouse to register items as they are placed on a pallet and to reflect those items on the order. Schon 234 ¶ [0001].

The present Office Action states that Schon 234 discloses:

a system for triggering a first device [611] and logging the triggering, the system comprising a RF chip (cart reader and tag, Fig. 6C) of a first party, the first device [611] comprising communication means for receiving an RF signal (cell phone [611] communicates with reader and item identification is transmitted from phone to cart device, p. 8 para. 0083-0088) from the RF chip (cart reader and tag), the first device [611] further comprising communication means for communicating with a network or server of a second party, wherein the first device [611] comprises a means to start communicating with the network or server (p. 8, para. 0083-0085, devices are wirelessly connected with each other via RF) after receiving the RF signal, the first device [611] comprises means for sending an ID to the RF chip (cart reader and tag) (phone transmits shopping list containing item identification to cart reader and tag device), the RF chip comprises means for receiving ID, and the RF chip (tag of tagged item) comprises memory for storing the ID (Fig. 6A-C, Fig. 7, cart stores list of items and logs and track when those items have been physically put in car, 8, para. 008, p. 9, para. 0092).

Applicants respectively traverse. Schon 234 fails to disclose Applicants (1) “RF chip of a first party;” (2) a first device comprising “means to start communicating with the network or server only after receiving the RF signal; and (3) a first device that comprises “means for sending an enabling ID to the RF chip.”

For example, Figure 6A of Schon 234 is purported to be a diagrammatic representation of the present invention in a grocery store 600 according to one embodiment of the present invention. The grocery store 600 includes a shopper 610, a plurality of shelves 620-629, a plurality of RF readers 650, a plurality of shopping carts 660, a plurality of hand baskets 665, and a plurality of checkout registers 681. Schon 234 ¶ [0082].

Figure 6C of Schon 234 illustrates a shopping cart 660 that includes a product holding section 661, an RF reader and tag 662, a portable electronic interface 663, and a display screen 664. When the shopper 610 selects a shopping cart 660 or a hand basket 665, the shopper places their cell phone 611 in or near the portable electronic interface. Portable electronic interface 663 is an interface that is configured to extract the data related to the shopping list 612 from the cell phone 611 or another portable electronic device. The cell phone 611 transmits the shopping list 612 to the shopping cart 660. Schon 234 ¶¶ [0087-0088].

The present Office Action contends that the RF reader and tag 662 equates to Applicants “RF chip of a first party.” However, the RF reader and tag 662 of Schon 234 does not send a RF signal to the first device (purported to be the cell phone of Schon 234).

Schon 234 also states that the shopper 610 has a cell phone 611 or other handheld device that is programmed with a shopping list 612. The shopping list 612 is generated by the shopper prior to entering the grocery store 600. The cell phone 611 may be configured to communicate

via an RF link. Schon 234 ¶ [0083]. In one embodiment, when the shopper 610 arrives at the grocery store 600, an RF reader 651 detects the shopper's cell phone 611 and communicates with the cell phone 611. The RF reader 651 receives from the cell phone 611 the shopping list 612 generated by the shopper 610. This shopping list 612 is then purported to be transmitted to a central computer 680, which processes the list, and determines what size conveyance is needed to fill the list 612. The central computer 680 transmits to the RF reader 651, and on to the cell phone 611, instruction to the shopper indicating if the shopper needs a cart or a basket. Schon 234 ¶ [0086].

As such, Schon 234 fails to teach a first device (purportedly the cell phone 611) that includes a “means to start communicating with the network or server only after receiving the RF signal.” As discussed above, Schon 234 fails to teach or suggest that the cell phone 611 receives an RF signal from the purported RF chip (allegedly the RF reader and tag 662). Naturally, therefore, Schon 234 fails to teach or suggest that the cell phone 611 includes a “means to start communicating with the network or server only after receiving the RF signal.”

In addition, Schon 234 explains that the items in the grocery store 660 are identified with an RF tag, that includes information related to the specific item. As the shopper 610 moves through the store 660, and places items in the cart 660, the RF reader 662 on the shopping cart logs the item into the cart's “inventory.” Once the item is in the cart 660, the order management system removes the item from the shopping list. Schon 234 ¶ [0092].

Schon 234 does not teach or suggest a first device (allegedly the cell phone 611) that includes a “means for sending an enabling ID to the RF chip,” that triggers network access. The present Office Action states that the shopping list that is communicated from the cell phone 611 discloses Applicants ID. Applicants respectively traverse: a shopping list does not equate to an

identification that enables network access. To further clarify this distinction, Applicants have modified Applicants' presently pending independent claim 1 with the following language: the first device comprises means for sending an "enabling ID" to the RF chip. Applicants remaining independent claim contains similar language.

To anticipate a claim, "each and every element set forth in the claim [must be] found, either expressly or inherently described, in a single . . . reference." *Vergall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (M.P.E.P. Section 2131). Consequently, since Schon 234 does not teach or suggest a "first device comprising communication means for receiving a RF signal from the RF chip," Schon 234 simply also does not teach or suggest a "the first device comprises means to start communicating with the network or server only after receiving the RF signal." (emphasis added). Naturally, therefore, Schon 234 also fails to teach or suggest that "the first device comprises means for sending an enabling ID to the RF chip" after receipt of the RF signal.

Schon 234 therefore does not to teach every element of the claimed invention and, therefore does not anticipate Applicant's presently pending Independent Claims. Rather, Schon 234 appears generally directed to typical RF chips that send RF signals that make the assumption that the RF chip or the product enclosing the RF chip is in the power or control of the same entity as the device receiving the RF signals. In Applicants' presently claimed system, the product enclosing the RF chip may not in the power or control of the same entity as the device receiving the RF signals. In these scenarios, the owner of the RF chip may want to receive financial compensation for services offered, *i.e.*, sending RF signals via RF chips. Applicants provide a solution to enable this scenario – Schon 234 does not.

IV. SUMMARY

Applicants respectfully submit that, in view of the remarks above, the present application, Independent Claims 1, 12, and 18 are allowable for at least all of the reasons stated above. The remaining claims 2-11, 13-17 and 19-23 are all dependent on these allowable independent claims and are therefore allowable for at least the reasons stated above.

If there are any matters that may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact Applicants' undersigned representative at (312) 913-0001.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: August 13, 2008

By: /Thomas E. Wettermann/
Thomas E. Wettermann
Reg. No. 41,523

TAB A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)
(Case No. 03-1111-B)**

In re Application of:)	
)	
Franklin Selgert)	
)	Examiner:
Serial No.: Not yet assigned)	
Int'l Appln. No.: PCT/EP2004/014743)	
)	Art Unit:
Int'l. Filing Date: 23 December 2004)	
)	
For: A Method And System For)	
Triggering Network Access)	

PRELIMINARY AMENDMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following amendments and remarks before examination on the merits.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper. **Remarks** begin on page 5 of this paper.

Claims:

1. (original) System for triggering a first device (10) and logging the triggering, the system comprising a RF chip (20) of a first party, the first device (10) comprising communication means (11) for receiving a RF signal from the RF chip (20), the first device (10) further comprising communication means (12) for communicating with a network (30) or server (40) of a second party, wherein

the first device (10) comprises means (13) to start communicating with the network (30) or server (40) after receiving the RF signal,

the first device (10) comprises means (14) for sending an ID to the RF chip (20),

the RF chip (20) comprises means (21) for receiving the ID, and

the RF chip (20) comprises a memory (22) for storing the ID.

2. (original) System according to claim 1, wherein the RF chip (20) comprises means (23) for reading the ID from the memory (22) and sending the ID to a second device (50).

3. (original) System according to claim 2, wherein the RF chip (20) and the second device (50) are physically connectable.

4. (original) System according to claim 2, wherein the RF chip (20) and the second device (50) are wirelessly connectable.

5. (currently amended) System according to ~~claims 2-4~~claim 2, wherein the RF chip (20) comprises means (24) to clear the memory (22) after sending the ID.

6. (currently amended) System according to ~~any of claims 1-5~~claim 2, wherein billing information (60) is created based on the ID received in the second device (50).

7. (original) System for triggering a first device (10) and logging the triggering, the system comprising a RF chip (20) of a first party, the first device (10) comprising communication means (11) for receiving a RF signal from the RF chip (20), the first device (10) further comprising communication means (12) for communicating with a network (30) or server (40) of a second party, wherein

the first device (10) comprises means (13) to start communicating with the network (30) or server (40) after receiving the RF signal,

the RF chip (20) comprises means (25) for sending an ID to the first device (10),
and

the first device (10) comprises means (15) for receiving the ID.

8. (original) System according to claim 7, wherein the first device (10) comprises a memory (16) for storing the ID and the first device (10) comprises means (17) for reading the ID from the memory (16) and sending the ID to a second device (50).

9. (original) System according to claim 8, wherein the first device (10) comprises means (18) to clear the memory (16) after sending the ID.

10. (original) System according to claim 7, wherein the first device (10) comprises means (19) for sending on the ID to a second device (50).

11. (currently amended) System according to ~~any of the claims 7-10~~ claim 7, wherein billing information (60) is created based on the ID received in the second device (50).

12. (original) Method for triggering a first device and logging the triggering, the method comprising the steps of

receiving (101) in the first device a RF signal from a RF chip of a first party,

the first device starting communicating (102) with a network or server of a second party after receiving the RF signal,

sending (103) an ID from the first device to the RF chip,

receiving (201) the ID in the RF chip, and

storing (202) the ID in a memory of the RF chip.

13. (original) Method according to claim 12, wherein the method further comprises the step of reading (203) the ID from the memory and sending (204) the ID from the RF chip to a second device.

14. (original) Method according to claim 13, wherein sending the ID from the RF chip to the second device via a physical connection.

15. (original) Method according to claim 13, wherein sending the ID from the RF chip to the second device via a wireless connection.

16. (currently amended) Method according to ~~claims 13-15~~ claim 13, wherein the method further comprises the step of clearing (205) the memory after sending the ID.

17. (currently amended) Method according to ~~any of claims 12-16~~ claim 12, wherein the method further comprises the step of creating (501) billing information based on the ID received in the second device.

18. (original) Method for triggering a first device and logging the triggering, the method comprising the steps of

receiving (101) in the first device a RF signal from a RF chip of a first party,

the first device starting (102) communicating with a network or server of a second party after receiving the RF signal,

sending (206) an ID from the RF chip to the first device, and

receiving (104) the ID in the first device.

19. (original) Method according to claim 18, wherein the method further comprises the steps of storing (105) the ID in a memory of the first device, reading (106) the ID from the memory and sending (107) the ID to a second device.

20. (original) Method according to claim 19, wherein the method further comprises the step of clearing (108) the memory after sending the ID.

21. (original) Method according to claim 18, wherein the method further comprises the step of sending (109) on the ID from the first device to a second device.

22. (currently amended) Method according to ~~any of the claims 18-21~~ claim 18, wherein the method further comprises the step of creating (501) billing information based on the ID received in the second device.

REMARKS

If there are any questions or comments regarding this Amendment or application, the Examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

Date: June 21, 2006

A handwritten signature in black ink, appearing to read 'T. Wettermann', is written over a horizontal line.

Thomas E. Wettermann
Registration No. 41,523

Telephone: 312-913-0001
Facsimile: 312-913-0002

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606